GOVERNMENT OF INDIA
WOMEN AND CHILD DEVELOPMENT
LOK SABHA

STARRED QUESTION NO:316
ANSWERED ON:20.03.2007
ADOPTION OF CHILDREN BY FOREIGNERS
Fanthome Shri Francis

Will the Minister of WOMEN AND CHILD DEVELOPMENT be pleased to state:

(a) whether the Government proposes a comprehensive legislation regarding adoption of Indian children by foreigners;

(b) if so, the details thereof alongwith the number of children adopted by the foregners during each of the last three years;

(c) whether any provision is available to stop the adoption of children by the foreigners;

(d) if not, the reasons therefor;

(e) whether any income accrues from foreigners on this account;

(f) if so, the details thereof; and

(g) the steps taken/proposed to be taken by the Government to ban the adoption of Indian children by foreigners?

Answer

THE MINISTER OF STATE OF THE MINISTRY OF WOMEN AND CHILD DEVELOPMENT (SHRIMATI RENUKA CHOWDHURY)

(a),(b),(c),(d),(e),(f)&(g) A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO PART (a), (b), (c), (d), (e), (f) & (g) OF LOK SABHA STARRED QUESTION NO. 316 FOR 20.3.2007 BY SHRI FRNCIS FANTHOME REGARDING ADOPTION OF CHILDREN BY FOREIGNERS

(a)&(b) The Law Commission of India in its 153rd Report, made recommendation for a legislation on Inter-country Adoption. A Draft Bill for this purpose was also annexed to the Report. The Legislative Department of Ministry of Law and Justice sought comments on the Report from the then Administrative Ministry i.e. Ministry of Social Justice and Empowerment which were sent. However, since the subject matter regarding adoption and Central Adoption Resource Agency (CARA) has been transferred to the Ministry of Women and Child Development recently, the issues relating to the adoption system in the country including legislation on adoption of Indian children by foreigners is being discussed for possible/necessary action with all concerned. The number of children adopted from India by foreigners (including Non Resident Indian/Persons of Indian Origin and Overseas Citizen of India) during last three years is as under:

2004	1021
2005	867
2006	853

(c)&(d) No, Sir. Every child has a right to a family. Accordingly, adoption has been provided for under the Juvenile Justice (Care and Protection of Children) Act, 2000 as an alternative for rehabilitation of orphaned/abandoned or surrendered children who are legally free for adoption. Supreme Court in its judgement dated 6th February, 1984 expressed that where it is not possible to find placement for child in a adoptive family within the country, there is no harm in exploring the possibility of a home for the child within an adoptive family of a foreign country. The Supreme Court has reiterated/its stand regarding this matter in the judgement dated 24th October, 2005.

(e) Neither Government of India nor CARA derives any income from foreigners for adoption of children from this country. Indian placement agencies, recognized by CARA for placing children in Inter country adoption are required under the relevant Guidelines to work on non-profit and non-commercial basis. They are permitted re-imbursement of the adoption costs/fee/charges upto a maximum US$ 3500 per child from the adoptive parents through the concerned enlisted foreign adoption agencies towards quality child care, medical expenditure, administrative fee, documentation, passport, visa, etc. They are not permitted to receive any donation/contribution from either adoptive parents or the sponsoring foreign adoption agencies.

(f)&(g) Does not arise in view of reply to parts(c)to (e)